

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EDDIE NUNLEY, Reg. No. 41771-509,)	
)	
Petitioner,)	
)	
v.)	CIVIL CASE NO. 2:23-cv-430-ECM
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION and ORDER

On April 15, 2024, the Magistrate Judge entered a Recommendation that Petitioner Eddie Nunley’s (“Nunley”) motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (doc. 1) be granted in part and dismissed without prejudice in part. (Doc. 24). No timely objections have been filed. Upon an independent review of the file and upon consideration of the Recommendation, it is

ORDERED that the Recommendation of the Magistrate Judge (doc. 24) is ADOPTED, and Nunley’s § 2255 motion is GRANTED IN PART and DISMISSED WITHOUT PREJUDICE IN PART as follows:

1. Nunley’s claim for ineffective assistance of counsel asserted as Claim 2 of his § 2255 motion is GRANTED;
2. The judgment entered against Nunley in Case No. 2:21-cr-174-ECM (M.D. Ala.) is VACATED;
3. The same sentence will be re-imposed, and an identical judgment re-entered, in Case No. 2:21-cr-174-ECM (M.D. Ala.);

4. Claims 1, 2, and 4 of Nunley's § 2255 motion are DISMISSED without prejudice.

Nunley is ADVISED that he has the right to appeal from the re-entered judgment in Case No. 2:21-cr-174-ECM (M.D. Ala.), and the Court will appoint counsel upon proper request. Nunley is further ADVISED that he must file any notice of appeal from the re-entered judgment within the fourteen-day period provided in Rule 4(b)(1)(A)(i) of the Federal Rules of Appellate Procedure.

A separate Final Judgment will be entered.

DONE this 2nd day of July, 2024.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE